

2. Plaintiff's Original Petition was served on Defendant Amerisave on August 15, 2022 and Defendant DMI on August 17, 2022. A true and correct copy of the Citations and Original Petition is attached as **EXHIBIT C**. This Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b) in that it has been filed by DMI within thirty (30) days after the receipt by DMI of a copy of the initial pleading setting forth the claims for relief on which Plaintiff's action is based.

3. Defendants Amerisave and DMI has filed an answer and general denial in state court on September 16, 2022. A true and correct copy of DMI's Original Answer and General Denial is attached as **EXHIBIT D**.

4. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders received by Defendant in the state court action are attached hereto. Counsel for the Defendants is informed and believes that **EXHIBITS C** and **D** constitute all of the process, pleadings, and orders filed in this case at the time of this removal.

IV.
GROUND FOR REMOVAL – DIVERSITY JURISDICTION

5. This is an action of a civil nature in which the District Courts of the United States have been given original jurisdiction in that it involves a controversy between citizens of different states under 28 U.S.C. §§ 1332(a) and 1442.

6. Plaintiff Wade Heimann is an individual residing in Bastrop County, the State of Texas.

7. Defendant Dovenmuehle Mortgage, Inc. is an Illinois Corporation with its principal place of business in Lake Zurich, IL.

8. Defendant Amerisave Mortgage Corporation is a Georgia Corporation with its principal office in Atlanta, Georgia.

9. Defendant Federal Home Loan Mortgage Corporation is a nationally chartered corporation. This Court has jurisdiction over cases in which Freddie Mac is a defendant pursuant to 28 U.S.C. §. 1442, however, Defendant DMI notes that Freddie Mac has not been served in this litigation.

10. The amount in controversy exceeds \$75,000. For diversity purposes, the amount in controversy is determined by the amount sought on the face of the plaintiff's pleadings. *St. Paul Reinsurance Co. v. Greenberg*, 134 F.3d 1250, 1253 (5th Cir. 1998). According to Plaintiff's Petition, Plaintiff seeks damages of approximately less than \$100,000 though the loan at issue was for \$170,000 (*See* ¶¶ 8 and 9, of Exhibit C).

V.

REMOVAL TO THIS JURISDICTION IS PROPER

11. Pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446(a), removal of this action from the District Court of Bastrop County, Texas to this Court is appropriate.

12. The removal of this action to this Court is proper under 28 U.S.C. § 1441(a) inasmuch as the District Court of Bastrop County, Texas, where this action was originally filed and is pending, is located within this judicial district.

13. DMI respectfully requests that this Court assume jurisdiction over this matter and issue such orders and processes as may be necessary to bring before it all the parties necessary for the trial hereof.

14. The undersigned counsel for DMI certify that they will file a true and correct copy of this Notice of Removal with the Clerk of the District Court of Bastrop County, Texas, as required by 28 U.S.C. § 1446(d), and give notice of same to all parties in the lawsuit, including Plaintiff and co-defendants.

VI.
DOCUMENTS SUPPORTING REMOVAL

15. Pursuant to 28 U.S.C. § 1446(a), the following documents are attached to this Notice of Removal:

a. An index of all documents filed with this Notice of Removal is attached hereto as **EXHIBIT A**;

b. A copy of the state district court's electronic docket sheet for State Court Action is attached hereto as **EXHIBIT B**;

c. A copy of all executed process on file in the State Court Action and the Petition attached as **EXHIBIT C**;

d. A true and correct copy of DMI's Original Answer and General Denial is attached hereto as **EXHIBIT D**.

e. A list of all counsel of record, including addresses, telephone numbers, and party affiliation, is attached hereto as **EXHIBIT E**.

VII.
PRAYER

WHEREFORE, pursuant to 28 U.S.C. §§ 1332, 1441(a), 1442 and 1446(a), Defendant Dovenmuhle Mortgage, Inc. files this Notice of Removal with the United States District Court for the Western District of Texas, Austin Division, and hereby seek to remove this action from the District Court of Bastrop County.

Respectfully submitted,

**GORDON REES
SCULLY MANSUKHANI LLP**

/s/ Keith C. Cramer

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on September 16, 2022, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5. Any other counsel of record or unrepresented parties will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Keith C. Cramer

Keith C. Cramer